

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

TALLISHA MALONE,

Defendant.

No. 19-MJ-2045-DPR-02

**UNITED STATES' MOTION FOR PRETRIAL DETENTION AND FOR
A HEARING PURSUANT TO 18 U.S.C. § 3142(e) and (f)**

The United States of America, through Timothy A. Garrison, United States Attorney for the Western District of Missouri, and Abram McGull II, Assistant United States Attorney requests pretrial detention and a detention hearing pursuant to 18 U.S.C. § 3142 (e)(3)(A) and (B), and (f)(1)(C). At this hearing the evidence will demonstrate that no condition or combination of conditions of release will reasonably assure the defendant's appearance as required by the Court and the safety of other persons and the community.

SUPPORTING SUGGESTIONS

1. Subsection 3142(f)(1), Title 18, United States Code, provides that a hearing must be held by the appropriate judicial officer to determine whether any condition or combination of conditions will reasonably assure the defendant's appearance and the safety of any other person in the community if the attorney for the government moves for such a hearing and if the defendant is charged with an offense for which a maximum term of imprisonment of ten years or more is prescribed in the Controlled Substances Act described in subparagraphs (C). 18 U.S.C. § 3142 (f)(1) (A – E).

2. The statute recognizes two additional situations which allow for a detention hearing and which can be raised either by the attorney for the government or by a judicial officer. These conditions are:
 - a. When there is a serious risk that the defendant will flee; or,
 - b. When there is a serious risk that the person will "obstruct or attempt to obstruct justice, or threaten, injure, or intimidate, or attempt to threaten, injure, or intimidate, a prospective witness or juror."
3. One or more grounds for a pretrial detention hearing as set forth by the statute exists in the above cause.
4. On June 3, 2019, a federal magistrate seated in Springfield, Missouri, found probable cause that the defendant was involved in conspiracy to distribute 500 grams or more of a mixture or substance containing a detectable amount of methamphetamine.
5. The nature and circumstances of this charged offense, the weight of the evidence, and the nature and seriousness of the danger to any person or the community that would be posed by the defendant's release because of his participation in the conspiracy to distribute 500 grams or more of a mixture or substance containing a detectable amount of methamphetamine demonstrate that there are no conditions or combination of conditions set forth in 18 U.S.C. § 3142(c) that will reasonably assure the safety of other persons and the community and the appearance of the defendant as required.
6. This criminal complaint creates a rebuttable presumption that no condition or combination of conditions will reasonably assure the appearance of the defendant and the safety of the community.

7. Although this defendant has very little criminal history, she also has no ties to this community. She is a resident of Indiana that admittedly stated that she was transporting 36 pounds of methamphetamine to that state through Missouri. This is the first time she ever faced any charges that has a mandatory minimum of ten years. The defendant poses a serious flight risk because of the severity of the crime and the possible punishment.
8. Based upon the foregoing, there are no conditions or combination of conditions set forth in 18 U.S.C. § 3142(c) that will reasonably assure the appearance of the defendant as required and the safety of other persons and the community.

WHEREFORE, the United States requests a pretrial detention hearing and that the defendant be detained.

Respectfully,

Timothy A. Garrison
United States Attorney

By /s/ Abram McGull II
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was delivered on June 5, 2019, to the CM-ECF system of the United States District Court for the Western District of Missouri for electronic delivery to all counsel of record.

/s/ Abram McGull II
Abram McGull II
Assistant United States Attorney